

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAVID GOLDSTINE,

Plaintiff,

v.

FEDEX FREIGHT, INC., a Washington State
entity; "DOE(S) 1-100", employees of
FEDEX FREIGHT, INC.; and
CORPORATION(S) XYZ 1-100,

Defendants.

Case No. 2:18-cv-01164 MJP

**DECLARATION OF ADA K. WONG IN
SUPPORT OF PLAINTIFF'S MOTION
TO COMPEL DISCOVERY
RESPONSES AND FOR ATTORNEY'S
FEES**

I, Ada K. Wong, declare,

1. I am the attorney of record for Plaintiff David Goldstine in this matter and make the following statements based on my personal knowledge.

2. On September 24, 2018, Plaintiff Goldstine served FedEx with Plaintiff's First Set of Interrogatories and Requests for Production to Defendant FedEx Freight, Inc. (hereinafter "Plaintiff's Discovery Requests"). Attached hereto as **Exhibit A** is a true and correct copy of Plaintiff's Discovery Requests.

1 3. On November 1, 2018, my office sent an e-mail to defense counsel Medora
2 Marisseau and Jerrald Shivers asking for the status of Defendant FedEx's responses to
3 Plaintiff's Discovery Requests.

4 4. That same day, Ms. Marisseau responded to me that she "expect[ed] to get
5 something out to [Plaintiff] early next week."

6 5. I waited until November 19, 2018, more than one week past the promised
7 timeframe, to follow up. On November 19, 2018, I sent Ms. Marisseau and Mr. Shivers an e-
8 mail requesting a meet and confer conference to discuss the status of Defendant FedEx's
9 response. Having not received any response, I sent another e-mail to defense counsel the
10 following week on November 27, 2018, following up on my request for a meet and confer call.

11 6. On November 28, 2018, Mr. Shivers finally responded to me stating that he was
12 traveling and missed my previous e-mail.

13 7. On November 30, 2018, Mr. Shivers and I engaged in our meet and confer
14 conference concerning Defendant FedEx's overdue responses to Plaintiff's Discovery
15 Requests. Mr. Shivers stated that he would provide Defendant FedEx's responses and
16 accompanying document production to Plaintiff's Discovery Requests by close of business on
17 December 7, 2018.

18 8. On December 10, 2018, after not seeing any response or communication from
19 defense counsel, I sent an e-mail following up on the documents, and also stating that if I did
20 not receive the complete responses and documents by December 11, 2018, I would be forced
21 to file a motion to compel since the deadline for Defendant FedEx's responses has long passed
22 and that Plaintiff would need to wait several weeks for the noting/hearing date.

1 9. On December 11, 2018, after not receiving any response from defense counsel,
2 and in hopes to avoid the underlying motion, I called Mr. Shivers to inquire about the status of
3 Defendant FedEx's responses to Plaintiff's Discovery Requests and document production. Mr.
4 Shivers stated that he needed to speak with his assistant but would get back to me that day. I
5 stated that if I was unable to answer my phone, he could send me an e-mail or leave a detailed
6 voice message on my direct line and provided Mr. Shivers with my phone number again for
7 convenience. To date, I have not received any additional communication from defense counsel
8 or even confirmation of when Defendant FedEx would serve their already late responses. As
9 such, this Motion follows. Attached hereto as **Exhibit B** is a true and correct copy of the e-
10 mail communications with Ms. Marisseau and Mr. Shivers from November 1, 2018 to
11 December 10, 2018.

12 10. To date, I have not received any additional communication from defense
13 counsel or even confirmation of when Defendant FedEx would serve their already late
14 responses. As such, this Motion follows.

15 11. Defendant FedEx, to date, has failed to provide any responses, objections, or
16 responsive documents.

17 **Request for Attorney's Fees**

18 12. I received my Bachelor of Arts from the University of California, Davis in 2008.
19 I received my Juris Doctor with a Dispute Resolution Concentration from the University of
20 Washington School of Law in 2012. I was admitted to the California Bar in December 2012
21 and maintain an active license and practice in California state and federal courts. I was
22 admitted to the Washington Bar in May 2013. I am licensed in the Eastern District of
23

1 Washington, the Western District of Washington, the Northern District of California, the
2 Eastern District of California, and the Ninth Circuit Court of Appeals.

3 13. I graduated from college in 2 years and 1 quarter, then I worked and volunteered
4 in the legal profession for approximately 1.5 years before attending law school at the
5 University of Washington School of Law. I graduated from law school 1 quarter early and
6 worked as a law clerk at a plaintiff's civil litigation law firm in Bellevue. Upon being licensed,
7 I became an Associate Attorney at the Bellevue firm with active cases in California and
8 Washington.

9 14. In mid-2014, I transitioned to working at different plaintiff's civil litigation law
10 firm in Downtown Seattle. I handled cases in California and Washington.

11 15. In August 2015, I started my own law firm and continued to maintain an active
12 practice in California and Washington.

13 16. I have been an instructor at various CLEs and events, and have published
14 articles.

15 17. I was also an Adjunct Professor at the Seattle University School of Law in
16 spring 2018. I currently serve as an Arbitrator in King and Snohomish Counties.

17 18. I believe an hourly rate of \$375 for my experience, background, and expertise,
18 is more than reasonable.

19 I declare under penalty of perjury under the laws of the State of Washington that the
20 foregoing is true and correct and is based upon my personal knowledge.

21 **DATED** December 12, 2018, in Mountlake Terrace, WA.

22 /s/ Ada K. Wong

23 Ada K. Wong, WSBA #45936

CERTIFICATE OF SERVICE

I hereby certify that on December 12, 2018, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Medora A. Marisseau
Karr Tuttle Campbell
701 Fifth Avenue, Ste. 3300
Seattle, WA 98104
Email: MMarisseau@karrtuttle.com

Jerrald L. Shivers, TN Bar #036391
FedEx Freight, Inc.
1715 Aaron Brenner Drive, Suite 600
Memphis, TN 38120
E-mail: Jerry.shivers@fedex.com

Counsel for Defendant FedEx Freight, Inc.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED: December 12, 2018.

/s/ Kaila A. Eckert

Kaila A. Eckert, Paralegal